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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

OPERATIVE PLASTERERS & CEMENT	)	<b>CASE NO. 07-CV-11085</b>
MASONS LOCAL 262 PENSION AND ANNUITY	)	
FUNDS, Derivatively On Behalf of Nominal	)	
Defendant MERRILL LYNCH & CO., INC.,	)	<b>PLAINTIFF'S NOTICE OF</b>
	)	<b>MOTION TO REMAND</b>
Plaintiff,	)	
	)	
vs.	)	
	)	
E. STANLEY O'NEAL, AHMASS L.	)	
FAKAHANY, GREGORY J. FLEMING, JEFFREY	)	
N. EDWARDS, CAROL T. CHRIST, ARMANDO	)	
D. CODINA, VIRGIS W. COLBERT, ALBERTO	)	
CRIBIORE, JOHN D. FINNEGAN, JUDITH	)	
MAYHEW JONAS, JOSEPH W. PRUEHER, ANN	)	
N. REESE, CHARLES O ROSOTTI,	)	
	)	
Defendants,	)	
	)	
and	)	
	)	
MERRILL LYNCH & CO., INC.,	)	
	)	
Nominal Defendant.	)	

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PLEASE TAKE NOTICE that on February 6, 2008 at 9:30 a.m. or as soon thereafter as counsel may be heard, the undersigned attorneys for plaintiff will move before the Honorable Leonard B. Sand, United States District Court for the Southern District of New York, for an Order pursuant to 28 U.S.C. § 1447(c) remanding the above-referenced action to the Supreme Court of the State of New York, and for an award of attorney's fees and costs incurred as a result of the removal;

PLEASE TAKE FURTHER NOTICE that plaintiff will rely on the Memorandum of Law in Support submitted herewith; and

PLEASE TAKE FURTHER NOTICE that at the time and place aforesaid, plaintiff will request that the proposed form of Order submitted herewith be entered by the Court.

Dated: January 7, 2008

By: /s/ Richard B. Brualdi  
Richard Brualdi (RB-1304)  
Gaitri Boodhoo (GB-0643)

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